

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

LAURA FAUGHT and STEVEN	*	
FAUGHT, on behalf of themselves	*	
and all others similarly situated,	*	
	*	
Plaintiffs,	*	
	*	Case No. 07-CV-1928-RDP
v.	*	
	*	
AMERICAN HOME SHIELD	*	
CORPORATION,	*	
	*	
Defendants.	*	

**KARON AND L.B. CHIP EDLESON'S NOTICE**  
**REGARDING BRIEFING SCHEDULE**

Karon and L.B. Chip Edleson (the "Edlesons") hereby notify the Court of their position on the briefing schedule currently in place involving the Court's October 30, 2009 Order (doc. 43), and respectfully request that, due to the notice of appeal filed on November 19, 2009, the briefing schedule be held in abeyance. As grounds therefor, the Edelsons state as follows:<sup>1</sup>

1. On November 4, 2009, the Edlesons sought a stay of the Court's October 30 injunction on an expedited basis because their November 19, 2009

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<sup>1</sup> The Edlesons, by filing this notice, and in accordance with the agreement reached at the November 10, 2009 hearing, reassert that they are not consenting to the Court's exercise of personal jurisdiction over them.

deadline to appeal the Order Preliminarily Approving Settlement and Providing for Notice was approaching.

2. On November 10, 2009, during the hearing on the Edlesons' motion, the parties agreed to confer to discuss the possibility of a compromise and agreed to submit a joint status report on the results of that conference, which agreements were memorialized by Court Order dated November 12, 2009.

3. On November 17, 2009, counsel reported to the Court that no compromise was reached and the parties submitted separate status reports.

4. Seeking an expedited briefing schedule, the Edlesons proposed in their report to file a supplemental brief on November 17, 2009, noting therein that their deadline to file a notice of appeal was November 19, 2009.

5. The Court denied the Edlesons' proposed briefing schedule, and ordered that supplemental briefs be filed on December 1, 2009, and replies on December 11, 2009. This briefing schedule is currently in place.

6. On November 19, 2009, the Edlesons filed a Notice of Appeal regarding the injunctions entered on October 20, 2009, and October 30, 2009. On November 20, 2009, the Court held a telephonic status conference and stated that unless a party filed a motion to the contrary, the current briefing schedule would remain in place. Therefore, the Edlesons file this notice setting forth their position regarding the briefing schedule.

7. Because the filing of the Notice of Appeal divests the Court of jurisdiction over “those aspects of the case involved in the appeal,” which include the Edlesons’ motion to stay, the Edlesons submit that the briefing schedule on that motion should be held in abeyance. *See, e.g., Showtime/The Movie Channel, Inc. v. Covered Bridge Condominium Ass’n, Inc.*, 895 F.2d 711, 713 (11<sup>th</sup> Cir. 1990) (quoting *Griggs v. Provident Consumer Discount Co.*, 495 U.S. 56, 58 (1982)). Unless and until the Eleventh Circuit relinquishes jurisdiction, the Edlesons respectfully submit that jurisdiction over those matters to be addressed in the briefs lies only in the Eleventh Circuit, and that therefore this Court lacks jurisdiction to entertain briefs on those matters currently on appeal. *See, e.g., Mahone v. Ray*, 326 F.3d 1176 (11<sup>th</sup> Cir. 2003) (filing notice of appeal divests district court of jurisdiction over issues involved in appeal); *Showtime/The Movie Channel, Inc.*, *supra*.

**WHEREFORE**, the Edlesons respectfully notify the Court, in accordance with the Court’s instructions, that, because of the appellate jurisdictional issue discussed above, they do not plan on filing their brief on December 1, 2009, and request that the Court hold the briefing schedule in abeyance pending resolution of their appeal to the Eleventh Circuit.

Dated: November 25, 2009

Respectfully submitted,

/s/Kirkland E. Reid

Kirkland E. Reid (REIDK9451)  
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**CERTIFICATE OF SERVICE**

I certify that I have on the 25<sup>th</sup> day of November, 2009, filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following parties of record:

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/s/Kirkland E. Reid  
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